

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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In the Matter of the Motion to Unseal                   :           Docket No. 12 MC 150 (ILG)

Docket No. 98-1101   :

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**MEMORANDUM IN OPPOSITION TO THE MIAMI HERALD MEDIA  
COMPANY’S MOTION FOR ENTRY OF AN ORDER UNSEALING THE  
DOCKET**

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This Court should deny the Miami Herald Media Company’s (“The Miami Herald”) Motion for Entry of an Order Unsealing the Docket, dated March 12, 2010<sup>2</sup> (“Unsealing Motion”). While the Miami Herald’s motion does cite general principles of First Amendment law supporting open court proceedings and dockets, it lacks any specific analysis of the four-prong test required under U.S. v. Doe, 63 F.3d 121, 128 (2d. Cir. 1995) to determine whether the docket in this specific case, 98-1101, should remain sealed.

Furthermore, the Miami Herald acknowledges that the presumption of openness is “rebuttable upon demonstration that suppression is essential to preserve higher values and is narrowly tailored to serve that interest.” However, it fails to consider the “higher value” present in this case. Consequently, this Court should deny the Miami Herald’s motion.

Dated: New York, New York  
April 3, 2012

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